

**FILED**

JAN 28 2013

**Board of Vocational Nursing  
and Psychiatric Technicians**

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8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2011-897

11 **OLGA PUENTE**

12 3032 La Puente Rd.  
13 West Covina, CA 91792

14 Vocational Nurse License No. VN 198032

15 Respondent.

**A C C U S A T I O N**

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely  
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and  
21 Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about January 16, 2002, the Board of Vocational Nursing and Psychiatric  
23 Technicians issued Vocational Nurse License Number VN 198032 to Olga Puente  
24 ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant  
25 to the charges brought herein and will expire on May 31, 2013, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

27 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric  
28 Technicians ("Board"), Department of Consumer Affairs, under the authority of the following

1 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
2 indicated.

3 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the  
4 holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
7 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
8 disciplinary action during the period within which the license may be renewed, restored, reissued  
9 or reinstated.

10 6. Section 2878 of the Code states, in pertinent part:

11 "The Board may suspend or revoke a license issued under this chapter  
12 [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of  
the following:

13 (a) Unprofessional conduct, which includes, but is not limited to, the  
14 following:

15 ...

16 (d) Violating or attempting to violate, directly or indirectly, or assisting  
in or abetting the violating of, or conspiring to violate any provision or term of this  
17 chapter.

18 ...

19 (f) Conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensed vocational nurse, in which event the record of the  
20 conviction shall be conclusive evidence of the conviction."

21 7. Section 490 of the Code states:

22 "(a) In addition to any other action that a board is permitted to take  
against a licensee, a board may suspend or revoke a license on the ground that the  
23 licensee has been convicted of a crime, if the crime is substantially related to the  
qualifications, functions, or duties of the business or profession for which the license  
24 was issued.

25 (b) Notwithstanding any other provision of law, a board may exercise any  
authority to discipline a licensee for conviction of a crime that is independent of the  
26 authority granted under subdivision (a) only if the crime is substantially related to the  
qualifications, functions, or duties of the business or profession for which the  
27 licensee's license was issued.

28 (c) A conviction within the meaning of this section means a plea or  
verdict of guilty or a conviction following a plea of nolo contendere. An action that a

1 board is permitted to take following the establishment of a conviction may be taken  
2 when the time for appeal has elapsed, or the judgment of conviction has been  
3 affirmed on appeal, or when an order granting probation is made suspending the  
4 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the  
5 Penal Code.”

### 6 REGULATORY PROVISIONS

7 8. California Code of Regulations, title 16, section 2521, states, in pertinent part:

9 “For the purposes of denial, suspension, or revocation of a license  
10 pursuant to Division 1.5 (commencing with Section 475) of the Business and  
11 Professions Code, a crime or act shall be considered to be substantially related to the  
12 qualifications, functions or duties of a licensed vocational nurse if to a substantial  
13 degree it evidences present or potential unfitness of a licensed vocational nurse to  
14 perform the functions authorized by his license in a manner consistent with the public  
15 health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
16 involving the following:

17 ...

18 (c) Violating or attempting to violate, directly or indirectly, or assisting in  
19 or abetting the violation of, or conspiring to violate any provision or term of Chapter  
20 6.5, Division 2 of the Business and Professions Code.”

### 21 COST RECOVERY

22 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
27 included in a stipulated settlement.

### 28 FIRST CAUSE FOR DISCIPLINE

#### (Conviction of Substantially Related Crime)

10 10. Respondent is subject to disciplinary action under section 490 and section 2878,  
11 subdivision (f) of the Code in conjunction with California Code of Regulations, title 16, section  
12 2521 in that Respondent was convicted of a crime substantially related to the qualifications,  
13 functions and duties of a licensed vocational nurse, as follows:

14 11. On or about June 12, 2012, Respondent pled nolo contendere to and was convicted of  
15 one felony count of violating Penal Code section 192(a) [voluntary manslaughter] in the criminal  
16 proceeding entitled *The People of the State of California v. Olga Ortiz Puente* (Super. Ct. of

1 California, County of Los Angeles, 2012, Case No. TA119586). The court ordered Respondent  
2 to serve 343 days in Los Angeles County Jail and placed Respondent on formal probation for a  
3 period of 5 years, with terms and conditions. The circumstances underlying the conviction are  
4 that on or about August 18, 2011, after an alleged argument, Respondent killed husband by  
5 hitting him over the head numerous times with a 15-pound dumbbell. Respondent told County of  
6 Los Angeles Sheriff's Department Officers ("Officers") that after the victim died, Respondent got  
7 a plastic bag from the garage, placed it over the victim's head and upper torso and dragged him  
8 from the master bedroom of the home into the garage. Respondent told Officers that the next  
9 day, she placed victim's remains inside of a large plastic container in the garage and placed it  
10 under a large wood table. Respondent told Officers that at one point, she considered cutting up  
11 the body and disposing of the remains.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 12. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the  
15 Code on the grounds of unprofessional conduct in that Respondent killed her husband by hitting  
16 him with a 15-pound dumbbell. The conduct is described in more particularity in paragraph 11  
17 above, inclusive and hereby incorporated by reference.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Violate Provisions of Licensing Chapter)**

20 13. Respondent is subject to disciplinary action under section 2878, subdivision (d) of the  
21 Code in that Respondent violated provisions of the Vocational Nursing Practice Act. The  
22 violations are described in more particularity in paragraphs 10 through 12 above, inclusive and  
23 hereby incorporated by reference.

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1 PRAYER

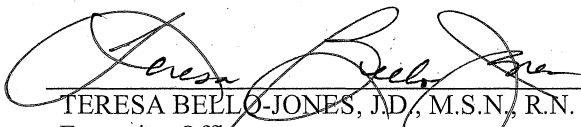
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 198032, issued to  
6 Olga Puente;

7 2. Ordering Olga Puente to pay the Board of Vocational Nursing and Psychiatric  
8 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
9 Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.  
11  
12

13 DATED: **JAN 28 2013**

14   
15 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
16 Executive Officer  
17 Board of Vocational Nursing and Psychiatric Technicians  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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